



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

MAY 15, 2012

MEETING RESULTS

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, May 15, 2012 at 7:30 p.m. at the Town Hall Meeting Room.

Chairman Robert Best presided:

Members of the Board Present:

Alastair Millns, Secretary
Lynn Christensen
Councilor Thomas Koenig
Michael Redding
Dr. John Segedy
Stanley Bonislowski, Alternate

Members of the Board Absent:

Nelson Disco
Pete Gagnon, Alternate

Also in Attendance:

Timothy Thompson, AICP, Community Development Director
Jeff Morrisette, Assistant Planner
Dawn MacMillan, Recording Secretary
Richard Landry, President, Thurloe Kensington Corporation
Gordon Leedy, Jr., ASLA, AICP, Vanasse Hangen Brustlin, Inc.
Robin Bousa, Director of Trans., Vanasse Hangen Brustlin, Inc.
Patrick Colburn, Keach-Nordstrom Associates

1. **CALL TO ORDER**

Chairman Best appointed Alternate Bonislowski as a voting member in the absence of Member Disco.

2. **Planning & Zoning Administrator's Report**

None.

3. **Parker Village Condominium Association** – Review for consideration for Final Approval of a request to modify a condition of a previous site plan approval regarding de-icing operations at Parker Village. Parcel is located off of Front Street in the R (Residential) and Aquifer Conservation Districts, and the Elderly and Planned Residential Overlay Districts, and the Wellhead Protection Area. Tax Map 5D-2, Lot 004. This agenda item is continued from the February 21, 2012 meeting. Applicant requests that this item be continued to the June 19, 2012 meeting.

Member Bonislowski recused himself.

MOTION BY MEMBER SEGEDY TO CONTINUE UNTIL THE BOARD'S JUNE 19, 2012 MEETING WITH NO FURTHER NOTIFICATION TO ABUTTERS.

MOTION SECONDED BY MEMBER MILLNS

MOTION CARRIED

6-0-0

- 4. JPM Real Estate, LLC (applicant/owner)** – Review for consideration of Final Approval to construct a 3,456 s.f. building consisting of a 23-seat 1,956 s.f. Dunkin Donuts restaurant with drive-thru and 1,500 s.f. of retail space. Parcel is located at 80 Continental Boulevard in the R (Residential) and Aquifer Conservation Districts. Tax Map 3C, Lot 040-1. This agenda item is continued from the April 3, 2012 meeting.

MOTION BY MEMBER MILLNS TO CONTINUE UNTIL THE BOARD'S JUNE 5, 2012 MEETING WITH NO FURTHER NOTIFICATION TO ABUTTERS.

MOTION SECONDED BY MEMBER SEGEDY

MOTION CARRIED

7-0-0

There being no objection, the Board went out of the regular order of business and took up Item #7.

- 7. Stephen T. Lyons (Applicant/Owner) & John E. & Elaine T. Lyons Revocable Trust, Stephen T. Lyons, Trustee (Applicant/Owner)** – Review for Acceptance and consideration for Final Approval of a proposed Lot Line Adjustment and Consolidation plan. The parcels are located at 12 & 14 Shore Drive in the R (Residential) Zoning District. Tax Map 6A-2, Lots 003, 004 & 006.

MOTION BY MEMBER MILLNS TO CONTINUE UNTIL THE BOARD'S JULY 10, 2012 MEETING WITH NO FURTHER NOTIFICATION TO ABUTTERS.

MOTION SECONDED BY MEMBER SEGEDY

MOTION CARRIED

7-0-0

- 5. Thurloe Kensington Corporation (applicant) & Merrimack Premium Outlets, LLC (owner)**

Review for consideration of final approval of an application proposing construction of a commercial development consisting of three restaurants in a single building (70-seat, 2,540 s.f.; 70-seat, 1,760 s.f.; and a 50-seat, 1,758 s.f. with drive-thru window) and a 4,845 s.f. bank with drive-thru window in a separate building. This item is continued from the May 1, 2012 Planning Board Meeting. The parcel is located in the I-2 (Industrial) and Aquifer Conservation Districts at Premium Outlets Boulevard. Tax Map 3C, Lot 191-3.

Public Comment – None.

MOTION BY MEMBER MILLNS TO WAIVE THE TRUE NORTH ARROW STANDARDS UNDER SECTION 7.04(4)(e) AND THE SOIL TYPES AND SOIL BOUNDARIES STANDARDS UNDER SECTION 7.04(4)(g), NOTING SPECIFIC CIRCUMSTANCES RELATIVE TO THE SITE PLAN, OR CONDITIONS OF THE LAND IN SUCH SITE PLAN, INDICATE THAT THE WAIVER WILL PROPERLY CARRY OUT THE SPIRIT AND INTENT OF THE REGULATIONS.

MOTION SECONDED BY MEMBER CHRISTENSEN

MOTION CARRIED

7-0-0

THE BOARD VOTED 6-1-0 TO GRANT FINAL APPROVAL WITH CONDITIONS, ON A MOTION MADE BY ALASTAIR MILLNS AND SECONDED BY STANLEY BONISLAWSKI. JOHN SEGEDY VOTED IN THE NEGATIVE.

- 6. Joseph M. Annutto (Applicant/Owner)** – Review for Acceptance and consideration of Final Approval of a waiver of full site plan review for a change of use to convert a single family residence to a commercial massage therapy center. Parcel is located at 575 D.W. Highway in the C-1 (Limited Commercial) and Aquifer Conservation Districts and the Wellhead Protection Area. Tax Map 6D-1, Lot 102.

**MOTION BY MEMBER SEGEDY TO ACCEPT JURISDICTION
MOTION SECONDED BY MEMBER MILLNS
MOTION CARRIED
7-0-0**

**MOTION BY MEMBER MILLNS TO GRANT THE WAIVER OF FULL SITE PLAN REVIEW
MOTION SECONDED BY MEMBER SEGEDY
MOTION CARRIED
7-0-0**

Public Comment - None

**MOTION BY MEMBER MILLNS TO WAIVE THE LANDSCAPE BUFFER STANDARDS UNDER SECTION 10.01(4) NOTING STRICT CONFORMITY WOULD POSE AN UNNECESSARY HARDSHIP TO THE APPLICANT AND WAIVER WOULD NOT BE CONTRARY TO THE SPIRIT AND INTENT OF THE REGULATIONS.
MOTION SECONDED BY MEMBER SEGEDY
MOTION CARRIED
7-0-0**

**MOTION BY MEMBER MILLNS TO WAIVE THE SIDEWALKS STANDARDS UNDER SECTION 7.04(4)(r) ENTIRELY FOR PHASE I AND ON RAINBOW AVENUE FOR PHASE II, REQUIRE THE CONSTRUCTION OF EITHER A SIDEWALK OR PAVED PEDESTRIAN WAY ALONG D.W. HIGHWAY, AND GRANT AN EASEMENT TO THE TOWN OF MERRIMACK, AS NECESSARY, AS A CONDITION OF APPROVAL OF PHASE II NOTING STRICT CONFORMITY WOULD POSE AN UNNECESSARY HARDSHIP TO THE APPLICANT AND WAIVER WOULD NOT BE CONTRARY TO THE SPIRIT AND INTENT OF THE REGULATIONS.
MOTION SECONDED BY MEMBER CHRISTENSEN
MOTION CARRIED
6-1-0**

Member Bonislowski Opposed

THE BOARD VOTED 6-1-0 TO GRANT FINAL APPROVAL WITH CONDITIONS, ON A MOTION BY ALASTAIR MILLNS AND SECONDED BY MICHAEL REDDING. TOM KOENIG VOTED IN THE NEGATIVE.

- 8. Annual Meeting** – Election of Officers and Review of the Bylaws.

Chairman Best called for nominations.

**MOTION BY MEMBER SEGEDY TO ELECT ROBERT BEST AS CHAIRMAN AND ALASTAIR MILLNS AS SECRETARY OF THE MERRIMACK PLANNING BOARD FOR A ONE-YEAR TERM.
MOTION SECONDED BY MEMBER BONISLAWSKI**

MOTION CARRIED

5-0-2

Councilor Koenig and Alastair Millns Abstained

9. Discussion and Possible Action Regarding Other Items of Concern

Discussion only.

10. Approval of Minutes

Merrimack Planning Board April 17, 2012

THE BOARD VOTED 7-0-0 TO APPROVE THE MINUTES OF APRIL 17, 2012, WITH CHANGES, ON A MOTION BY JOHN SEGEDY AND SECONDED BY ALASTAIR MILLNS.

11. Adjournment

MOTION BY MEMBER MILLNS TO ADJOURN

MOTION SECONDED BY MEMBER SEGEDY

MOTION CARRIED

7-0-0

The May 15, 2012 meeting of the Merrimack Planning Board was adjourned at 9:25 p.m.